



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/250,785 05/27/94 BAGAOISAN

C 18000.8481.0

EXAMINER  
WILKENS, F

33M1/0403

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ART UNIT PAPER NUMBER

3306

DATE MAILED:

04/03/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.                  |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____  |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-24 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☒ Claims 13-15 are allowed.

4. ☒ Claims 1, 2, 4, 7-11, 16-24 are rejected.

5. ☒ Claims 3, 5, 6, 12 are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

**EXAMINER'S ACTION**

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**Part III DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 17, 18, 20, 22, and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Groshong et al.

Groshong et al. discloses a proximal shaft, 36, distal shaft, 38 and lumens that extend at least partially through each. Thread means, 40, connects the two shafts.

3. Claims 1, 2, 4, 7, 8-11, 16-18, 22, and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Polin.

Polin(See Fig. 1) discloses proximal and distal tubular element, 19, 12, 13, 14, 15, balloon, 22, first and third lumens which communicate, 19, 17, and a second lumen, 24, that communicates with the balloon through a distal port, 25. The first and third lumens are connected by thread means.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 19, 21, and 24 are rejected under 35 U.S.C. § 103 as being unpatentable over Groshong et al.

See above for the two part shaft of Groshong et al. To reverse the order of the connecting elements so that they correspond to that recited in the above Claims 19, 21, and 24 would be obvious to one ordinarily skilled in the art. It does not affect the connectability of the elements.

6. Claims 19-21, and 23 are rejected under 35 U.S.C. § 103 as being unpatentable over Polin.

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See above for the structure of Polin. Again, as with Groshong et al., it would have been obvious to one ordinarily skilled in the art to reverse the connecting elements. Not affecting the actual function, it is seen as a matter of choice. As to Claim 20, it would have been obvious to one ordinarily skilled in the art to make the tubes out of any suitably strong material, plastic or metal. The Polin device being generally non-collapsible, metal would be an obvious alternative choice of material.

Claims 3, 5, 6 and 12 are objected to as being dependent on rejected claims, but would be allowable if rewritten in independent form including all intervening parent claims. Claims 13-15 are allowable over the prior art of record.

#### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sirhan et al. and Leopold disclose OTW balloon catheters. Alexander discloses two tube sections that are screwed together.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Wilkens whose telephone number is (703) 308-2681.

fw *fw*  
March 27, 1995

*C. Fred Rosenbaum*  
C. FRED ROSENBAUM  
S. P. E.  
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